

SWAKELEYS SCHOOL FOR GIRLS COMPLAINTS POLICY

POLICY & PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST THE SCHOOL OR SCHOOL STAFF

1. Rationale

The Governors and staff of Swakeleys School for Girls have a shared intention that the service provided to its pupils, their parents and the local community shall be such that cause for complaint arises very rarely. However, we need this policy to ensure that there is a procedure to deal with complaints against the school or school staff in a formal manner and have it dealt with fairly and efficiently. This policy is governed by Education (Independent School Standards) Regulations 2014 and is based on guidance published by the Education and Skills Funding Agency (ESFA). It is available on request to parents of current and prospective pupils.

2. Objectives

- To clearly state the scope of the complaints procedure.
- To clearly state the stages of the complaints procedure.
- To clearly set out the time scales for the management of the complaint.

3. Success Criteria

If a complaint is made, we will follow this policy accordingly. The person/s making the complaint will be made aware of this policy and feel sure that it has been followed correctly by all concerned. Complainants will be involved at each stage of the procedure and all parties will be kept informed of progress, outcomes and necessary actions taken. Urgent complaints will be given priority. Under no circumstances will any employee knowingly act in a way that will cause any pupil associated with a complainant to suffer negative repercussions as a result of his/her association with a complainant. A written record of all complaints will be kept, along with relevant actions and stages of action. It will also show whether the complaint was settled at the preliminary stage or proceeded to a panel hearing. Throughout all stages of the process, all parties concerned will be informed of proceedings.

The procedure covers all school activities including such aspects as the condition of the premises, discipline, lunch arrangements, after-school activities etc. However it does not cover matters for which separate appeals procedures have been established as required by the School's Instrument and Articles of Government. These include such matters as a decision by the Pastoral and Admissions Committee not to offer a place to a child whose parents have applied for one, or to permanently to exclude a pupil from the School.

4. Time Scales

The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the School's website, and information about term dates is made available to parents and students periodically. Although every effort will be made by the School to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the School will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the School reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. Where the School decides that a complaint which was submitted late will not be investigated, the School will write to the Complainant notifying them of the decision within five school days of the complaint being received. If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Governors at the School asking for the decision to be reviewed. The Chair of Governors will be provided with all documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Governors will not investigate the complaint itself during this review. The Chair of Governors will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received, and provide the School with a copy of the letter. If the Chair of Governors quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way. If the Chair of Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education & Skills Funding Agency using the procedure stated towards the end of this Complaints Policy. In exceptional circumstances, the Chair of Governors can delegate the responsibility for the review to the Vice-Chair of Governors.

4. Equality Act 2010

The School will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - Remove or minimise disadvantages connected to a relevant protected characteristic;
 - Take steps to meet the different needs of those sharing a relevant protected characteristic; and
 - Encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low.
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - Tackle prejudice; and
 - Promote understanding.

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age.

In addition, the School will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage.
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

An auxiliary aid can be a piece of equipment or a service.

Meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recording of meetings or conversations take place.

If a Complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the School know immediately.

5. Methodology

5.1 All complaints will be investigated fully and fairly with due regard for the following principles:

- i. The right of a Complainant to have a complaint heard, investigated and acted on quickly, efficiently and without fear of repercussion.
- ii. Where a complaint concerns an employee of the school, the right of the employee to have a complaint dealt with fairly, quickly efficiently and confidentially.

The Governors expect that any concerns experienced by parents and others will be raised with the appropriate person¹ and will be dealt with according to the procedures outlined.

Should an employee other than the appropriate person receive a complaint, the following procedures will be followed:

- Verbal complaint

Should an employee receive a verbal complaint that requires action outside his/her area of responsibility, or a verbal complaint about a member of staff for whom they do not have management responsibility, the employee should advise the Complainant to put the complaint in writing to the appropriate person ¹. If in doubt about the appropriate person, the complainant should be advised to address his/her letter to the Headteacher. In the interests of confidentiality an employee who receives a verbal complaint of this type should not discuss it with any one else, other than to seek line management advice to identify the appropriate person to deal with the matter.

- Written complaint

Should an employee receive a written complaint that requires action outside his/her area of responsibility, or a written complaint about a member of staff for whom they do not have management responsibility, the employee should pass the written complaint to the appropriate person. If in doubt about the appropriate person, the written complaint should be passed to the Headteacher. In the interests of confidentiality the employee who receives a written complaint of this type should not discuss it with anyone else, other than to seek line management advice to identify the appropriate

person to deal with the matter. The receipt of a written complaint will be acknowledged within 24 hours and the Complainant will be informed who is dealing with the complaint and when s/he may expect a response.

Should the Headteacher receive a written complaint s/he will identify the appropriate person to deal with the complaint and will pass the complaint to that person.

- Anonymous Complaints

The School will not investigate anonymous complaints and all anonymous complaints will be referred to the Headteacher, who will decide what, if any action should be taken

- Duplicate Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, we receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, we will confirm either that;

- the School has already considered this complaint and the local process is complete; or
- the School is currently considering this complaint.

The author of the duplicate complaint will be advised that once the original complaint has completed all stages under this Complaints Policy, they can contact the Education and Skills Funding Agency if they are dissatisfied with the School's handling of the original complaint.

Any new aspects to the complaint not previously considered will be investigated and dealt with in accordance with this complaints procedure.

GDPR/ Data Protection Act 2018 and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation. Such requests will either be a "subject access request" under the GDPR / Data Protection Act 2018 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the GDPR / Data Protection Act 2018 must be responded to within one calendar month (although the Trust can extend the timescale for compliance by up to two further calendar months if a request is complex), and requests under the Freedom of Information Act 2000 must be responded to within twenty working days, however the School will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

On receipt of complaint

On receiving a complaint the appropriate person will decide what action to take to investigate the complaint. Should the complaint involve an employee, the member of staff concerned will be informed of the complaint and given the opportunity to comment on the complaint. Should the investigation of the complaint involve consultation with persons other than the employee concerned, the employee will be informed of this and all parties will act with due regard for the principle of confidentiality.

Disciplinary action

If, in the course of the consideration of a complaint, it is decided by the school that capability or disciplinary proceedings should be initiated, separate action will be taken under the appropriate procedures. The confidential nature of the capability and disciplinary procedures will be taken into account in any communication with a Complainant in response to a complaint.

Representation

The Complainant and any other party involved in a complaint may make his or her representations at each stage of the procedure in person, accompanied by a friend if so desired. Should the Complainant wish to be accompanied by a legal representative, this will be at the discretion of the Headteacher and by written request to the Headteacher only. The letter should outline the subject of the meeting, the matters for discussion and the reason for the presence of a legal representative. In this event, the Headteacher reserves the right to seek independent advice and also to be accompanied by a legal representative if so advised.

EAL provision

Where appropriate, steps will be taken to ensure that information is available to Complainants in languages other than English and arrangements made for an interpreter to be present during any oral representations.

5.2 Retention of Records

A full written record will be maintained centrally at the School of all complaints made under Stage 2 to 3 – please see below. This will include:

- a record of the progress of the complaint and the final outcome;
- a record of whether the case progressed to a panel hearing
- a record of the action taken by the school or the trust, regardless of outcome

6 Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

There may also be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school. If a pupil transfers to a new school whilst a complaint is ongoing the School will retain the complaint records so that access is maintained.

Meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

¹ The appropriate person is defined as the employee against whom the complaint is made or the employee who holds management responsibility for the matter under complaint. Depending on the nature of the complaint the "appropriate person" may be the person against whom a complaint is made or their Head of Department, a Year Learning Coordinator, an Assistant Head, a Deputy Head, or the Headteacher. The Governors expect that complainants will take reasonable action to identify the appropriate person to address the complaint to and that if in doubt the complaint will be addressed to the Headteacher.

7.1 Implementation:

STAGE ONE: INFORMAL DISCUSSION

- The Governors expect that any concerns experienced by parents and others will be dealt with by means of informal discussion with teachers and/or the appropriate manager in the first instance within 3 working days of the complaint being lodged. Any complaint received by the school will be acknowledged with an email response within 24 hours. We endeavor to get back to the complainant as soon as possible and ideally within one working day but if a complaint is complex or a member of staff works part time it is necessary to allow sufficient time for the complaint to be investigated. The member of staff who is dealing with the complaint will contact the complainant by telephone as it is good practice to discuss complaints with the Complainant. Where it is not possible to contact the Complainant via telephone they will be contacted via email.
- Details of the communication with the Complainant will be logged on CPOMS linked to the relevant student. Where the student no longer attends the school the information about the informal complaint will reside with the headteacher in the complaints file. Only the headteacher and deputy headteacher have access to the complaints log on CPOMS.
- The Governors anticipate that all but a very few matters will be efficiently and fairly resolved by these means and they encourage Complainants to seek informal discussion at an early stage and with the expectation of a successful outcome.
- Where a resolution of the matter is achieved at this stage no further action will be required.
- The School will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the Complainant can submit the matters raised as a formal complaint under Stage Two of this Complaints Policy

STAGE TWO: FORMAL COMPLAINT TO THE HEADTEACHER

- If the Complainant is not satisfied with the outcome of the first stage the person concerned may then submit a formal complaint to the Headteacher. The formal complaint will be acknowledged in writing within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, how the matter will be investigated and the time scale for notification of the outcome. The Headteacher will write to the Complainant confirming the outcome of the investigation within twenty school days from the date that the complaint was received.
- The formal complaint must be made in writing, and within a time limit of three months from the cause of complaint, making clear that it is a formal complaint and specifying its nature as precisely as possible.
- If in his/her view the complaint falls outside the scope of the procedures the Headteacher will advise the Complainant of any other recourse he or she may have within five days of receipt of the complaint in writing.
- The Headteacher will consider urgent complaints as quickly as possible. If it is clear that investigation of a relevant complaint will take some time, the Headteacher will notify the complainant of the fact and of progress during consideration of the complaint.

- Following that consideration the Headteacher will inform the Complainant within twenty school days of:
 - i. the decision s/he has reached and the reason for it;
 - ii. any action taken or proposed, including details of any request made to those complained against to take particular actions to resolve the complaint where appropriate.
- If the complaint is not resolved at this stage, the complainant will be provided with a copy of the Complaints Policy and Procedure and will be advised on how to take the matter further to Stage Three if they are not satisfied with the outcome of Stage Two investigation.
- If the Complainant remains unsatisfied with the outcome of the Stage Two investigation, they should write to the Clerk to the Governors within five school days of receipt of the letter detailing the outcome of the stage 2 investigation. Where the complaint was received during a school holiday then the 20 days will commence from the start of the next term/half term. The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages one and two.
- In appropriate cases, the Headteacher may delegate the complaint to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

STAGE TWO: FORMAL COMPLAINT AGAINST THE HEADTEACHER / GOVERNOR

- There may be occasions where it is necessary or reasonable to deviate from the published Complaints procedure. An example of this is where the complaint is against the Headteacher/Governor. In this case, a suitably skilled Governor will be appointed to complete all the actions at Stage Two instead.
- All complaints relating to the Headteacher/Governor must be made in writing to the Clerk to the Governing Body via the school office.

STAGE THREE: FORMAL COMPLAINT TO THE COMPLAINT PANEL

- If the complainant is dissatisfied with the outcome of Stage Two the Complainant may request a Complaint Panel Hearing.
- A Complaint Panel will be convened involving those who have had no prior involvement/detailed understanding regarding the matters which gave rise to the complaint. Two of the Complaint Panel members should be Governors. The third Complaint Panel member will be independent of the management and running of the School, i.e. they will not be a member of staff or a Governor, and will not be linked to the School in another way, for example as a parent of a student at the School. The independent Complaint Panel member will be the Chair of the Complaint Panel.
- The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel who will usually be the Clerk to the Governing Body.
- After selecting the Complaint Panel members, the Clerk to the Governing Body will write to the Complainant within **five school days** acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the

Governing Body of their reasons within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

- The Clerk to Governing Body will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **twenty school days** of receipt of the Complainant's request, unless there are exceptional circumstances.
- The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented. The aim of the panel hearing should be reconciliation; to put things right that may have gone wrong.
- The School will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage Two, which will usually be the Headteacher. This person will be referred to as the "School's Representative" for the purposes of Stage Three.
- The Clerk to the Governing Body will forward a copy of all paperwork relating to the complaint consisting of the record of the Stage One informal procedure (if applicable), the original letter of complaint, any documentation provided by the Complainant with their complaint, all investigation records with the letter of outcome under Stage Two with the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents to the Complainant, the School's Representative and the three Complaint Panel members.
- The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual unless they have provided their written consent for their name to be disclosed.
- If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Governing Body to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Governing Body to forward it to the School's Representative and the Complaint Panel members. Documentation may be submitted after this deadline with the permission of the Chair of the Complaint Panel acting in his or her sole discretion.
- The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.
- If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Governing Body at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Governing Body to forward it to the School's Representative and the Complaint Panel members.
- Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint

Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

- Members of staff of the School involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is relevant or their account is contentious.

7.2 PROCEDURE AT THE COMPLAINT PANEL HEARING

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter if one is in attendance and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account).
- Questions may be restricted depending on the relevance/purpose of them, and whether they have been addressed in the documentation.
- All parties must comply with the School's unacceptable behaviour policy and a breach of this policy during the hearing may result in the hearing being adjourned and rescheduled if necessary.
- The Complainant will be invited by the Complaint Panel to give an account of their complaint.
- The School's Representative will be invited to give an account of their investigation regarding the complaint.
- The panel can ask questions to the Complainant and School's Representative until they are satisfied that they have a clear understanding of the complaint and the way that it has been investigated by the school.
- The Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave.
- The Chair of the Panel may, at their discretion, adjourn the Hearing if they consider it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.
- A Hearing before the Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- Either immediately after the Complaint Panel Hearing or on a subsequent date, The Complaint Panel will convene in private and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make a decision.
- The decision of the Complaint Panel is final. It is not within the powers of the Complaints Panel to make any financial award or, nor to impose sanctions on staff, pupils or parents but they can

- The decision of the Complaints Panel will be communicated to all parties by letter sent by the Clerk to the Complaints Panel within ten days of the findings of the Complaints Panel. The letter will contain details of any actions taken to investigate the complaint and provide a full explanation of the decision made and the reasons(s) for it and where appropriate, it will include details of actions the School will take to resolve the complaint. Documentation relating to the complaint will be available for inspection upon two days notice from the complainant or his/her agents
- All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the Education and Skills Act 2008 requests access to them.

8. Referral to the Education & Skills Funding Agency

- Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education & Skills Funding Agency for consideration.
- The Education & Skills Funding Agency (ESFA) will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable or if the School failed to adhere to education legislation and statutory policies connected with the complaint and if they have not followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- The Complainant can refer the matter to the ESFA by writing to them at :-

School Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
COVENTRY
CV1 2WT

Or on line at www.education.gov.uk/contactus

9. Evaluation:

The policy will be evaluated annually as part of the school cycle of self evaluation, lead by the Headteacher.

10. Review:

The policy will be reviewed by the Personnel Committee of the Governing Body annually, who have ultimate responsibility for this policy. They will review the policy as part of their cycle of reviews for which they are responsible. The log of complaints will be reviewed termly.

Please note that the regulations require that information about complaints may, from time to time, be published without reference to any named individuals. This will be done to the Secretary of State or body conducting an inspection under Section 109 Education and Skills Act 2008.

APPENDIX I

